

TITLE 12
COSTS AND MISCELLANEOUS MATTERS IN CIVIL ACTIONS

CHAPTER 3
INTEREST ON OFFERS OF SETTLEMENT

12-301. INTEREST ON OFFERS OF SETTLEMENT. (a) After commencement of any civil action based upon a claim for relief arising in tort, from property damage, personal injury or wrongful death, any claimant may at any time, no later than ten (10) days before the trial, serve upon an adverse party, a written offer of settlement, offering to settle his claim in such action and to stipulate to a judgment for a sum certain, including any attorney fees allowable by law and costs of litigation then accrued.

(b) If the adverse party, at any time after service of such offer of settlement and prior to its revocation, serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service thereof, and thereupon judgment shall be entered for the amount of the offer. In the event that an offer of settlement is revoked by a claimant or not accepted, evidence of the offer is not admissible except in a proceeding to determine costs or to award interest pursuant to this section.

(c) If such offer of settlement is not accepted prior to trial pursuant to subsection (b) above, and the action reaches a final judgment by the court after trial, the court shall inquire as to whether any prevailing claimant made an offer of settlement, pursuant to subsection (a) of this section, which an adverse party failed to accept. If the court finds that such claimant has recovered an amount equal to or greater than his offer of settlement, the court shall add to the judgment, annual interest on the amount contained in such offer, computed from the date that the offer of settlement was served and shall enter judgment accordingly. For purposes of such computation, the last offer of settlement which was equal to or less than the damages awarded such claimant, together with the costs and attorney fees, if any, awarded to him shall be used. A subsequent offer made pursuant to subsection (a) revokes any previous offer.

(d) For purposes of this section, "annual interest" shall mean the rate specified in section [28-22-104](#)(2), Idaho Code.

[12-301, added 1987, ch. 278, sec. 11, p. 582.]

12-302. EFFECT ON CIVIL RULES. This chapter shall not amend rule 68 of the Idaho rules of civil procedure.

[12-302, added 1987, ch. 278, sec. 11, p. 583.]

12-303. SHORT TITLE. This chapter shall be known as the "Interest on Offers of Settlement."

[12-303, added 1987, ch. 278, sec. 11, p. 583.]

CHAPTER 4
MOTIONS AND ORDERS -- [REPEALED]